

**FILED**

JUN 11 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

Richard Dean CLARK,

Petitioner,

v.

Robert L. AYERS Jr., Warden of San Quentin  
State Prison,

Respondent.

Case Number 5-97-cv-20618-JW

DEATH-PENALTY CASE

ORDER DIRECTING FILING OF  
THIRD STATUS REPORT  
REGARDING DISCOVERY  
LITIGATION

[]

In their second status report regarding the status of state-court discovery litigation, the parties indicated that Respondent's counsel was in the process of producing materials on the conflict witnesses, such as rap sheets, police reports, and probation files; Respondent stated that he would file a notice with the Court when these materials have been provided. It has now been more than three months since the parties filed their last status report. Accordingly, and good cause therefor appearing, the parties shall submit an updated joint report indicating the status of the state-court discovery litigation and its impact on the present action within fourteen days after the present order is filed.

*It is so ordered.*

DATED: May 30, 2008

James Ware  
JAMES WARE

United States District Judge

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

CLARK,

Case Number: CV97-20618 JW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

CALDERON, ET AL et al,

Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 30, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Dated: ~~May 30, 2008~~

*June 11, 2008*

Richard W. Wicking, Clerk

*Elizabeth C. Garcia*  
By: Elizabeth C. Garcia, Deputy Clerk